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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/657,118	09/09/2003	Hiroyuki Yokoi	242232US0CONT	9226	
22850 7	7590 06/06/2006	06/06/2006		EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET			GABEL, GAILENE		
ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER		
			1641		
		DATE MAILED: 06/06/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
•	10/657,118	YOKOI, HIROYUKI				
Office Action Summary	Examiner	Art Unit				
	Gailene R. Gabel	1641				
The MAILING DATE of this communication app	pears on the cover sheet with the c	orrespondence address				
Period for Reply		0) 00 THEFT (00) DAYO				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION (36(a)). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE.	N. sely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>09 S</u>	eptember 2003.					
2a) ☐ This action is FINAL . 2b) ☐ This	This action is FINAL . 2b) This action is non-final.					
• —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under be	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-16</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-16</u> are subject to restriction and/or	election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine	er.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the	=					
Replacement drawing sheet(s) including the correc						
11) The oath or declaration is objected to by the Ex	xaminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreigna) All b) Some * c) None of:	n priority under 35 U.S.C. § 119(a)	-(d) or (f).				
1.☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Burea	u (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)	_					
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail Da					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 		Patent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, 15, and 16, drawn to method of measuring an analyte contained in a heterogeneous sample mixture and kit therefor, classified in class 436, subclass 172, for example.
 - II. Claims 12-16, drawn to method of measuring an analyte contained in a sample subjected to dilution and separation procedures and kit therefor, classified in class 435, subclass 7.1, for example.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are independent and distinct. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation and different effects in that Invention I incorporates all reagents with sample to form a reaction system that does not require separation of complexes to measure amount of analyte whereas Invention II dilutes the sample, incorporates all reagents with sample to form a reaction system which is subsequently separated in order to measure amount of analyte present in the sample.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction

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for examination purposes as indicated is proper. Furthermore, because the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper. Literature search for each method is distinct since the structural requirements of each invention are different. While searches would be expected to overlap, there is no reason to expect the searches to be coextensive.

- 2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gailene R. Gabel whose telephone number is (571) 272-0820. The examiner can normally be reached on Monday, Tuesday, Thursday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gailene R. Gabel Patent Examiner Art Unit 1641 May 26, 2006